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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/537,714

Filing Date: October 19, 2005

Appellant(s): MANDY, DAMIEN

Liam McDowell, Reg. No. 44,231
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 14 June 2010 appealing from the
Office action mailed 11 January 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-9.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

7,019,670 Bahar 3-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Patent 7,019,670 to Bahar.

Regarding claims 1-3, Bahar disclosed a parking meter comprising:

communication module to access a remote server ("central computer station") via a predetermined communication network, a short-range communication module adapted to dialog via a short-range communication channel with a short-range

communication module of a remote terminal ("mobile hand held computers" or "hand-held PC") and a communications router adapted to receive information ("user data"; see at least column 4, lines 4-39) from the remote terminal via said short range communication channel so as to route said received information from the remote terminal to the remote server via said predetermined communication network and receive information from the remote server via said predetermined communication network and to route information received from said remote server to said remote terminal via said communication channel. (see at least column 4, line 40-column 5, line 24 and column 8, line 67-column 9, line 8), wherein said communication module is adapted to access an Internet Protocol communication network and wherein the short-range communication module is at least one of the radio (WiFi or Bluetooth) or infra red (IrDA) type (see at least column 8, line 67-column 9, line 8).

Claim 4 is also rejected since this claim recites substantially the same limitations as recited in claim 1.

Regarding claim 5, Bahar disclosed a method of access to a service using a parking meter according to claim 1, comprising the communication router routing first information received from the remote terminal by short range communication to the remote server via the communication network, and the communication router routing; second information received from the remote server via the communication network to the remote terminal by short range communication (see at least column 8, line 67-column 9, line 28 and column 9, line 56-column 10, line 4).

Regarding claim 6, Bahar disclosed a parking meter according to claim 1, wherein the remote terminal is able to dialog remotely with the remote server via the parking meter (see at least column 9, line 56-column 10, line 4).

Regarding claim 7, Bahar disclosed a system comprising:

a parking meter according to claim 1, a remote server, and a remote terminal, wherein the remote terminal generates a for a file, wherein the remote server generates a response to the request so as to transmit the requested file to the remote terminal, wherein the communication router is intended to route the requested file from the remote server to the remote terminal. (see at least column 4, line 40-column 5, line 24, column 8, line 67-column 9, line 28 and column 9, line 56-column 10, line 4)

Regarding claim 8, Bahar disclosed a system according to claim 7, wherein the remote terminal belongs to an operation that issues tickets that levy parking fines, and wherein the requested file relates to payment for chargeable parking. (see at least column 7, lines 9-21 and column 9, lines 8-12 and 56-65)

Regarding claim 9, Bahar disclosed a method according to claim 5, wherein the first information comprises a request of a file relating to payment for chargeable parking to the remote server, and wherein the second information comprises the requested file. (see at least column 7, lines 9-21 and column 9, lines 8-12 and 56-65)

WITHDRAWN REJECTIONS

Claims 5 and 7-9 rejected under 35 USC 112, 2nd paragraph.

(10) Response to Argument

The Applicant's arguments regarding the rejections of claims 5 and 7-9 are moot in view of the withdrawn rejection under 35 USC 112, 2nd paragraph.

The Examiner notes for the record that the final rejection mailed 11 January 2010 did in fact incorrectly note that "claims 1-5" were rejected under Bahar, however, claims 1-9 are clearly shown as rejected by the disclosures of Bahar and the Applicant failed to request a clarification regarding the error before filing the currently filed brief. The brief fails to treat claims 6-9 in the arguments, therefore, the Examiner submits that the rejections of claims 6-9 be sustained in view of the lack of arguments by the Applicant regarding these claims.

The Applicant argues on page 8 of the appeal brief that Bahar fails to teach or suggest for claim 1:

"a communication router that receives information from the remote terminal via said communication channel and routes that information to the remote server via the communication network, and the communication router receives information from the remote server via the communication network and routes that information to the remote terminal via the communication channel."

First, the Examiner submits that the Applicant's arguments are moot since the Applicant is not relying on the current listing of the claims as they are presented in the appeal brief and as they have been amended during the prosecution of the case. Based on this failure to argue the language of the claim commensurate to their scope, the Examiner submits that the rejections of claim 1 should be sustained.

For the convenience of the reader, claim 1 currently recites:

"a communication router adapted to receive information from the remote terminal via said short range communication channel so as to route said received information from the remote terminal to the remote server via said predetermined communication network and receive information from the remote server via said predetermined communication network and to route information received from said remote server to said remote terminal via said communication channel."

As the Examiner has maintained throughout prosecution, Bahar expressly disclosed a "transceiver":

"Data transceiver 33 which transmits and/or receives data to and from the parking meter 26. Data transceiver will allow the parking meter 26 to communicate with other electronic devices such as identification element(s), mobile hand held computers, an area supervisor(s) 35 (as will be discussed later), a remotely situated central computer station 39, etc. Data transceiver 33 may utilize various data transfer technology including wired and/or wireless methods (e.g. infrared and/or radio frequency), and preferably communicates via wireless technology 34, such as that illustrated in FIG. 2. Data communicated to and from the parking meter may include, but is not limited to user data, expired parking meter warning signals (e.g. initiation and negation of time out phase signal), citation data record(s)/file(s), processed citations, parking time allowance for a particular user, parking time status for a particular user, parking meter functionality status..." (see column 8, line 67-column 9, line 14)

The Applicant has argued that Bahar fails to expressly disclose a "router" based on the plain meaning of the word router.

However, the specification discloses:

"The parking 35 meter receives the information emanating from the server 6 via the communication network and relays (routes) it to the terminal via the radio channel." (see page 5, lines 34-35 and page 6, lines 1-2)

In view of this disclosure within the specification, the "plain meaning" of the word "router" does not control. Rather, the broadest reasonable interpretation of the limitation consistent with the specification as required by MPEP 2111 must be given. Therefore, "routing" may also be interpreted as "relaying".

Bahar disclosed:

"Data transmitted from any parking meter 26 within the networked cluster may be received, processed, and/or stored by its designated area supervisor 35. Alternatively or in addition to, that data may be directly transmitted from the meter 26 to a mobile device retained by a parking enforcement officer 38 (e.g. hand held computer as shown in FIG. 3) or to a remotely situated central computer station 39 (as shown in FIG. 4). In a similar manner, the enforcement officer (via way of their mobile communication device(s) 38 or central computer station 39) may transmit data to the area supervisor 35 or directly to the meter 26, both of which may process-and/or store the data. It is further noteworthy that data may also be transmitted from the area supervisor 35 to the parking meter 26, or alternatively, from the area supervisor 35 to the parking enforcement (via way of their mobile hand held computer 38 or remotely situated central computer station 39). That data may thereafter be processed and/or stored by the receiving entity." (see column 9, lines 53-column 10, line 4)

Therefore, it is clear from these disclosures in Bahar that the "parking meter" contains such a "communication router" that enables routing or relaying of data between any "remote terminal" and "remote server" through the parking meter's "transceiver".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443

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